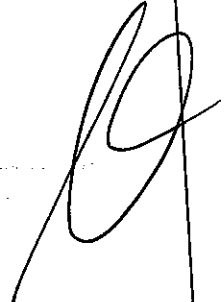


CITY ATTORNEY

2012 JUN 14 PM 5:04



GREGORY W. SMITH (SBN 134385)
LAW OFFICES OF GREGORY W. SMITH

9100 Wilshire Boulevard, Suite 345E
Beverly Hills, California 90212

Telephone: (310) 777-7894
(213) 385-3400

Telecopier: (310) 777-7895

CHRISTOPHER BRIZZOLARA (SBN 130304)
1528 16th Street

Santa Monica, California 90404

Telephone: (310) 394-6447

Telecopier: (310) 656-7701

Attorneys for Plaintiff
WILLIAM TAYLOR

UNLIMITED JURISDICTION
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

WILLIAM TAYLOR,

Plaintiff,

vs.

CITY OF BURBANK and DOES 1 through
100, inclusive,

Defendants.

CASE NO. BC 422 252

[Assigned to the Hon. John L. Segal,
Judge, Dept. "50"]

**DECLARATION OF GREGORY W.
SMITH IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEY'S FEES**

Date: July 9, 2012
Time: 8:30 a.m.
Dept.: "50"

[Filed concurrently with Points &
Authorities and Declarations of
Christopher Brizzolara, Douglas
Benedon, and Selma Francia]

Action Filed: September 22, 2009
Trial: March 5, 2012

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///

DECLARATION OF GREGORY W. SMITH IN SUPPORT

OF PLAINTIFFS' MOTION FOR ATTORNEY'S FEES

1
2
3 1. I am an attorney at law duly licensed to practice before all the Courts of
4 the State of California and attorney of record for Plaintiff Bill Taylor.

5 2. I have direct knowledge of the following and if called to testify, I could and
6 would competently testify concerning those matters set forth herein.

7 3. I have practiced law for over twenty-four years and have been
8 lead trial counsel in approximately 60 jury trials. Of that amount, approximately ninety-five
9 (95) percent were related to employment law or civil rights litigation. Moreover, I have
10 been involved in numerous high profile lawsuits. I represented numerous plaintiffs in the
11 so-called "Rampart Scandal" including Destiny Ovando (daughter of Javier Ovando, the
12 first prisoner released due to Perez' allegations of police misconduct), received a 2.7
13 million dollar verdict in a reverse discrimination case against the City of Inglewood when I
14 represented the two police officers that had allegedly abused Donovan Jackson in a high
15 profile police use of force case. In 2007, I won two trials; *Lima v. City of Los Angeles* 3.7
16 million dollars and another 1.3 million against Toys 'R' Us in U.S. District Court. In 2008,
17 along with Chris Brizzolara, I won a whistleblower action against the City of Long Beach
18 for \$4.1 million. After the Long Beach case, I won *Burton v. City of Los Angeles* for \$1.6
19 million. Most recently, I authored briefs and participated, along with Chris Brizzolara in the
20 appeal of the action entitled *McDonald, et al. v. Antelope Valley Community College*
21 *District* which resulted in a published appellate and Supreme Court decision in our clients'
22 favor. The *McDonald* appeal involves the important employment law issue of whether the
23 doctrine of equitable tolling applies to the time period for filing a FEHA complaint.
24 Additionally, I have another published opinion in the Second District in which I
25
26
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1 successfully limited attorneys' fees against my client in a wage and hour dispute. In
2 September 2008, I obtained a \$3.1 million verdict in *Hill v. City of Los Angeles* in a matter
3 involving issues of FEHA retaliation. On July 24, 2009, in the matter of *Stallworth v. City*
4 *of Los Angeles*, a jury returned a verdict in my client's favor in the amount of \$635,798.00
5 in a FEHA discrimination and retaliation matter. Also, in October 2010, my client received
6 a verdict in the amount of \$736,312.00 in the case of *Blackstone v. City of Los Angeles*
7 which involved issues of FEHA gender discrimination & retaliation. I also won another
8 whistleblower retaliation case where a jury awarded my client \$995,000.00 in a case
9 entitled *Miller v. City of Los Angeles*. Similarly, in a high profile trial that was completed
10 on April 11, 2011 involving whistleblower retaliation issues, my clients received a \$2
11 million verdict in *Chan/Benioff v. City of Los Angeles*. More recently, in May 2011, in
12 *Crump v. City of Los Angeles*, a jury returned a verdict in my client's favor in the amount
13 of \$1.1 million in a FEHA sexual orientation, discrimination & retaliation case. Finally, in
14 2012, in the case *Abbate v. City of Los Angeles*, my client was awarded a \$1 million
15 verdict by a jury.

18 4. For the last twenty-five (24) years, my practice has almost been exclusively
19 in the area of employment related matters. I have arbitrated and participated in numerous
20 sexual harassment and discrimination cases and have represented over 1000 clients in
21 employment related matters. I am a member of the American Board of Trial Advocates
22 (ABOTA). I am also a panel attorney for the Los Angeles Police Protective league
23 (LAPPL) and handle many of the union's difficult employment related issues on behalf of
24 individual police officers. I am also a member of numerous organizations which consist of
25 attorneys that represent plaintiffs in employment related litigation. I have been nominated
26 twice, in 2009 and 2011, for trial lawyer of the year by CAALA (Consumer Attorney's
27
28

1 Brizzolara's work product and the work he conducted in this case. Further, I have tried
2 multiple cases with Mr. Brizzolara in which we have received numerous multi-million dollar
3 verdicts against public entities. In fact, the area of police litigation is a highly specialized
4 area of law and Mr. Brizzolara is one of only three or four experts in this area of law in Los
5 Angeles County. Based upon Mr. Brizzolara's skill and experience in the area of litigation
6 in employment cases, it is my opinion he should be awarded a rate of \$600.00 per hour. I
7 further believe that this rate is reasonable billing rate for a lawyer of his experience in the
8 local legal community.

10 8. It is also my opinion that the market rate for the legal services of Mr.
11 Brizzolara and I, should be subjected to a positive multiplier given the realities and
12 practicalities of litigating FEHA claims against a public entity. It is my personal experience
13 that employment cases against public entities are time, money, and labor intensive, and
14 are difficult cases to win. Public entities often utilize virtually unlimited resources in
15 defending these types of cases. Typically, such public agencies will file every possible
16 motion, and use every possible legal device available to attempt to defeat the plaintiff's
17 claims. Even after adverse jury verdicts and judgments, the public entities will often
18 continue to vigorously litigate the claims through post trial motions and appeals.

20 9. Further, since there is often no direct evidence of retaliatory conduct by the
21 Defendants in these types of cases, the attorneys for the plaintiffs must often be quite
22 skilled and creative in adducing circumstantial evidence and presenting arguments to
23 convince the trier-of-fact that such intent in fact existed, and was a motivating reason for
24 the conduct at issue. Additionally, these cases advance the important public policies of
25 eliminating discrimination, and retaliation from the work place, for the good of society as a
26 whole.

1 10. Further, this case was aggressively litigated by two of California's most
2 respected defense lawyers, Linda Savitt and Ron Frank. These lawyers were essentially
3 given a blank check by the city and used every means imaginable to delay and obstruct
4 this litigation. On two occasions, the defense brought writs causing me to hire appellate
5 counsel to oppose their arguments. Further, no documents were turned over in this case
6 without requiring a massive expenditure of time and money by me and my co-counsel.
7 This case took up a considerable amount of time and effort on my part and was highly
8 stressful litigation because of the unlimited resources the City had to prepare its defense.

9
10 11. Attached hereto as Exhibit "3" is a true and correct copy of Defense
11 attorneys' billings and costs that I copied directly from the City of Burbank's web site. The
12 court should note that the attorneys' fees charged to the City by the numerous defense
13 attorneys in *Taylor v. City of Burbank*, amounted to a staggering \$1,015,023.60. I believe
14 this amount does not reflect the trial and preparation time for Linda Savitt since the last
15 entries were made only by Ron Frank's firm. I also believe that Frank's trial and
16 preparation time were not yet added to this document. The final bill for all of defense
17 counsel is more likely in the range of \$1.5 million. Defendant's costs for jury, court
18 reporter fees, and expert fees for Gardiner, Stehr, Lynch, Lowers and Varner are also not
19 reflected in this bill which leads me to believe the City is not reporting any of the costs and
20 attorneys' fees that were generated for the trial. The City could have settled this case for
21 a fraction of what they paid in attorney's fees.

22
23
24 12. Selma Francia is a paralegal employed by my office. Filed concurrently with
25 this motion is a declaration prepared by Ms. Francia setting forth her skills, qualifications,
26 and the hours she worked on the Bill Taylor matter. Based upon my knowledge of Ms.
27 Francia's skill and experience in the area of litigation support, I believe she should be
28

1 awarded a rate of \$200.00 per hour. I further believe that this rate is reasonable billing
2 rate for a paralegal of her experience in the local legal community. Ms. Francia's hours
3 amount to 118.5 hours. At \$200.00 per hour, her total bill is in the amount of \$23,700.00.

4 13. Since the Plaintiffs in these types of actions generally cannot afford to pay
5 the attorneys fees and costs associated with these types of actions, the attorneys for
6 plaintiffs often are required to advance substantial sums of money, and significant
7 amounts of time, effort, and labor, in order to prosecute these cases. Because the
8 attorneys for plaintiffs will only be paid their fees and reimbursed their costs if they win, an
9 additional element of contingent risk is involved, which along with the factors set forth
10 above, supports that a multiplier be applied to the fees of attorneys for the successful
11 plaintiffs in these types of actions. Accordingly, I request a multiplier of 2.0 in this case.
12
13

14
15 I declare under penalty of perjury of the laws of the State of California and the
16 United States that the foregoing is true and correct.

17 Executed this 11th day of June 2012, in Beverly Hills, California.

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20 GREGORY W. SMITH
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FEDERAL COURT RULING

Date Transmitted:

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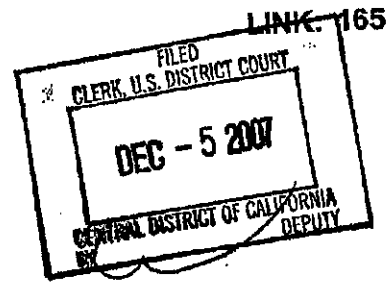
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Gregory W Smith
Gregory W Smith Law Offices
9952 Santa Monica Boulevard, 1st Floor
Beverly Hills, CA 90212

Number of Pages:

13

It is hereby certified that this document was served by first class mail postage prepaid or by fax or e-mail delivery to counsel (or parties) at their respective address or fax number or e-mail address of record.



UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

ARTHUR KRUISHEER,

Plaintiff,

v.

TOYS 'R' US - DELAWARE, INC. and
DOES 1 through 100, inclusive,

Defendants.

Case No. CV 05-3425 GAF (VBKx)

MEMORANDUM AND ORDER
REGARDING PLAINTIFF'S MOTION
FOR ATTORNEY'S FEES

I.

INTRODUCTION

This is an action brought pursuant to California's Fair Employment and Housing Act ("FEHA") based upon age and disability discrimination by Defendant Toys 'R' Us against its former employee, Plaintiff Arthur Kruisheer. On October 12, 2007, the jury reached a verdict in favor of Plaintiff, finding that both Plaintiff's age and medical condition were motivating reasons for his termination. (See 10/19/07 Judgment at 2.) The jury awarded Plaintiff damages totaling \$1,130,000. (Id. at 3.)

//

1 Plaintiff now moves the Court for an award of attorney's fees in a lodestar
2 amount of "at least" \$265,875, "plus an appropriate multiplier of not less than 1.7" for
3 a total of \$452,000. (Not. of Mot. at ii.) The Court initially concluded that the motion
4 should be granted but with a multiplier of 1.2. Having conducted a hearing on the
5 motion and undertaking a further review of the record, the Court **GRANTS** Plaintiff's
6 motion for attorney's fees with the 1.2 multiplier. The following briefly sets forth the
7 Court's reasoning.

8 **II.**

9 **DISCUSSION**

10 **A. ENTITLEMENT TO ATTORNEY'S FEES**

11 Plaintiff asserts that he is entitled to attorney's fees on two separate grounds:
12 (1) FEHA itself; and (2) California's private attorney general doctrine. The Court finds
13 that Plaintiff is entitled to attorney's fees under the statutory framework set forth under
14 FEHA.

15 **1. ATTORNEY'S FEES UNDER FEHA**

16 Cal. Gov. Code § 12965(b) provides in relevant part that "[i]n actions brought
17 under this section, the court, in its discretion may award the prevailing party
18 reasonable attorney fees and costs" Cal. Gov. Code § 12965(b). The term "in
19 its discretion" means that "the court, in a manner that, in the judgment of the court,
20 will best effectuate the purposes of FEHA, may award the prevailing party reasonable
21 attorney's fees and costs." Horsford v. Board of Trustees of Cal. State. Univ., 132
22 Cal. App. 4th 359, 394 (Ct. App. 2005) (internal quotation marks and alterations
23 omitted).

24 "The award of reasonable attorney fees accomplishes the Legislature's
25 expressly stated purpose of FEHA to provide effective remedies that will eliminate . . .
26 discriminatory practices." Id. (internal quotation marks and citations omitted). "In
27 order to be effective in accomplishing the legislative purpose of assuring the
28 availability of counsel to bring meritorious actions under FEHA, the goal of an award

1 of attorney fees is to fix a fee at the fair market value for the particular action." Id.
2 (internal quotation marks and citations omitted). Fee awards under FEHA, therefore,
3 "should be fully compensatory" and absent circumstances rendering the award unjust,
4 the fee award "should ordinarily include compensation for all the hours reasonably
5 spent in litigating the action to a successful conclusion." Id. (citations omitted).

6 Here, it is undisputed that Plaintiff is a "prevailing party" in this action. For
7 attorney's fee awards authorized by statute, a "prevailing party" is generally one in
8 whose favor a net judgment has been entered. See Smith v. Rae-Venter Law Group,
9 29 Cal. 4th 345, 354 (2002); see also 10/19/07 Judgment at 2-3. Defendant does not
10 contend otherwise. Indeed, Defendant's Opposition all but concedes that Plaintiff is
11 entitled to attorney's fees, and only disputes the amount of those fees. (See
12 generally Opp.) Accordingly, the Court concludes that Plaintiff is entitled to attorney's
13 fees under FEHA.

14 2. ATTORNEY'S FEES UNDER THE PRIVATE ATTORNEY GENERAL DOCTRINE

15 The Court notes its skepticism of Plaintiff's entitlement to attorney's fees
16 under California's private attorney general doctrine.¹ Given the above conclusion that
17 he is entitled to attorney's fees under FEHA, however, the Court need not address
18 this alternate ground.

19 B. LODESTAR CALCULATION

20 1. THE LEGAL STANDARD

21 "[A] court assessing attorney['s] fees begins with a touchstone or lodestar
22 figure, based on the careful compilation of the time spent and reasonable hourly
23 compensation of each attorney involved in the presentation of the case."

24 DaimlerChrysler Corp. 34 Cal. 4th at 579 (citing Serrano v. Priest ("Serrano III"), 20

25
26 ¹ For example, the Court doubts: (1) whether the present action conferred a "significant benefit"
27 on the general public or broad class of persons within the meaning of the doctrine; or (2) that
28 the necessity and financial burden of private enforcement transcended Plaintiff's personal
interest in the litigation. See Cal. Code Civ. Proc. § 1021.5; Press v. Lucky Stores, Inc., 34 Cal.
3d 311, 317-18 (1983).

1 Cal. 3d 25, 48, n.23 (1977) (internal quotation marks omitted)). The California
2 Supreme Court has "expressly approved the use of prevailing hourly rates as a basis
3 for the lodestar, noting that anchoring the calculation of attorney[s] fees to the
4 lodestar adjustment method is the only way of approaching the problem that can
5 claim objectivity, a claim which is obviously vital to the prestige of the bar and the
6 courts." Id. (citation omitted).

7 2. ANALYSIS

8 a. Hours Worked by Plaintiff's Counsel

9 "[V]erified time statements of the attorneys, as officers of the court, are
10 entitled to credence in the absence of a clear indication the records are erroneous."
11 Horsford v. Bd. of Trs. of Cal. State Univ., 132 Cal. App. 4th 359, 396 (Ct. App. 2005).
12 The Court concludes that the verified time statements provided by Plaintiff's counsel
13 appear reasonable and are entitled to deference. The Court notes, moreover, that
14 Defendant does not object to any of these time entries. (See Opp. at 9.) Therefore,
15 the Court finds that all of the 568 hours worked by Plaintiff's counsel – 425.5 hours by
16 Mr. Brizzolara, 70 hours by Mr. Smith, and 72.5 hours by Ms. Chun – are
17 compensable.

18 b. Hourly Rate of Plaintiff's Counsel

19 "A reasonable hourly rate reflects the skill and experience of the lawyer,
20 including any relevant areas of particular expertise and the nature of the work
21 preformed." Crommie v. State of Cal. Pub. Util. Comm'n, 840 F. Supp. 719, 725
22 (N.D. Cal. 1994) (citations omitted). "The court may consider the applicants'
23 customary billing rates and the prevailing rate charged by attorneys of similar skill and
24 experience for comparable legal services in the community." Id. (citation omitted).
25 Moreover, courts generally look to the rates for attorneys at the time of the prevailing
26 party's fee application, rather than the rates charged by that attorney at the time
27 litigation began. See Gates v. Deukmejian, 987 F.2d 1392, 1406 (9th Cir. 1993).

28

1 Mr. Brizzolara requests an hourly rate of \$500.00, which the Court finds
2 reasonable. Among other things, he has 24 years of litigation experience (Brizzolara
3 Decl. ¶ 3), has recently tried six jury trials resulting in jury verdicts in excess of \$1
4 million (id. ¶ 10), has had experience in FEHA-based discrimination cases (id.).
5 These factors demonstrate that Mr. Brizzolara has the skill, experience, and level of
6 expertise that justify his requested hourly rate. See Crommie, 840 F. Supp. at 725.
7 Moreover, Defendant does not dispute that Brizzolara is entitled to an hourly rate of
8 \$425.00. (Opp. at 12.) Given the two years that have elapsed since Judge Cooper
9 approved that hourly rate for Brizzolara in another federal action, an increase of
10 \$75.00 per hour is reasonable, considering that Brizzolara has gained additional
11 experience, and successfully litigated additional jury trials since that time (see
12 Brizzolara Decl. ¶ 10).

13 Mr. Smith also requests an hourly rate of \$500.00. Mr. Smith has been
14 practicing law for twenty years (Smith Decl. ¶ 3), and has a record comparable to that
15 of Mr. Brizzolara. He and Mr. Brizzolara jointly tried the case and shared many of the
16 responsibilities for preparing the case for presentation to the jury. Indeed, as Mr.
17 Smith represented at the hearing, he has tried more cases to verdict than has Mr.
18 Brizzolara. Accordingly, the Court concludes that \$500.00 is a reasonable hourly
19 rate for his skill and experience.²

20 Ms. Chun requests an hourly rate of \$250.00 which Defendant does not
21 dispute. The Court finds that given her level of skill and experience handling
22 employment law cases, the requested hourly rate is reasonable.

23 Accordingly, the Court accepts the following lodestar calculation:
24
25

26
27 ² The Court notes that Defendant's counsel disputes Brizzolara and Smith's requested rate is
28 excessive, and by way of example, points out that his own hourly rate is \$355.00. (Sanchez
Decl. ¶ 9.) The Court does not find this argument persuasive, given that Brizzolara and Smith
have almost twice as many years of legal experience as Defendant's counsel.

	Brizzolara	Smith	Chun
Hours Worked	425.5	70	72.5
Hourly Rate	\$500	\$500	\$250
Lodestar	\$212,750	\$35,000	\$18,125

Total (Unadorned) Lodestar: \$265,875

C. MULTIPLIER

1. THE LEGAL STANDARD

a. Generally

"[T]he lodestar adjustment method, including discretion to award fee enhancements, is well established under California law." Ketchum v. Moses, 24 Cal. 4th 1122, 1137 (2001). "In FEHA cases, the trial court has the discretion to apply a multiplier or fee enhancement to the lodestar figure to take into account a variety of factors, including the quality of the representation, the novelty and difficulty of the issues presented, the results obtained and the contingent risk involved." Greene v. Dillingham Constr. N.A., Inc., 101 Cal. App. 4th 418, 426-27 (Ct. App. 2002) (citing Flannery, 61 Cal. App. 4th at 646; Serrano III, 20 Cal. 3d at 48-49).

"Of course, the trial court is *not required* to include a fee enhancement to the basic lodestar figure for contingent risk, exceptional skill, or other factors, although it retains discretion to do so in the appropriate case." Ketchum, 24 Cal. 4th at 1138 (emphasis added). Moreover, "the party seeking a fee enhancement bears the burden of proof." Id.

b. Consideration of Contingent Risk

When determining whether to apply a multiplier, "the court determines, retrospectively, whether the litigation involved a contingent risk or required extraordinary legal skill justifying augmentation of the unadorned lodestar in order to approximate the fair market rate for such services." Dillingham, 101 Cal. App. 4th at 427 (citation and internal quotation marks omitted). Moreover, the adjustment to the

1 lodestar figure constitutes "earned compensation; unlike a windfall, it is neither
2 unexpected nor fortuitous. Rather, it is intended to approximate market-level
3 compensation for such services, which typically includes a premium for the risk of
4 nonpayment or delay of attorney fees." Id. (citing Ketchum, 24 Cal. 4th at 1138). The
5 contingent risk factor is used to determine a fee that is likely to entice competent
6 counsel to undertake difficult public interest cases. See San Bernardino Valley
7 Audubon Society v. County of San Bernardino, 155 Cal. App. 3d 738, 755 (Ct. App.
8 1984).

9 At the same time, courts have cautioned that application of a multiplier creates
10 the risk of double-counting with the lodestar figure itself. For example, "[t]he factor of
11 extraordinary skill, in particular, appears susceptible to improper double counting; for
12 the most part, the difficulty of a legal question and the quality of representation are
13 already encompassed in the lodestar. A more difficult legal question typically requires
14 more attorney hours, and a more skillful and experienced attorney will command a
15 higher hourly rate." Ketchum, 24 Cal. 4th at 1138-39. "Thus, a trial court should
16 award a multiplier for exceptional representation *only* when the quality of
17 representation far exceeds the quality of representation that would have been
18 provided by an attorney of comparable skill and experience billing at the hourly rate
19 used in the lodestar calculation. Otherwise, the fee award will result in unfair double
20 counting and be unreasonable." Id. at 1139 (emphasis added).

21 c. Analysis

22 Plaintiff offers several reasons as to why a multiplier of "at least" 1.7 is
23 warranted: (1) the contingent risk involved in prosecuting this action (Mot. at 13); (2)
24 counsel's level of skill and commitment in prosecuting this action (id. at 16); (3) the
25 success of litigation (id. at 17); and (4) the need to "make Plaintiff whole" to effectuate
26 the purposes of FEHA (id. at 18). The Court finds the claim for a 1.7 multiplier
27 unpersuasive but concludes that a modest multiplier of 1.2 is appropriate.
28

(1). Contingent Risk

The contingent risk factor weighs most strongly in awarding a multiplier in this case. The purpose of a contingent risk inquiry is to determine a fee that is likely to entice competent counsel to undertake difficult public interest cases. See San Bernardino Valley Audubon Society, 155 Cal. App. 3d at 755. Here, while the "public interest" and "difficult" nature of this case is somewhat in doubt, it is undisputed that this was a FEHA case dealing with age and disability discrimination and it appears unlikely that Plaintiff would have been able to obtain these attorneys but for the contingent nature of their fees. (Brizzolara Decl. ¶ 26.)

As noted by several California courts, a court may determine retrospectively that the litigation involved a contingent risk justifying increasing the lodestar to approximate the fair market value of the attorney's services. Dillingham, 101 Cal. App. 4th at 427; Ketchum, 24 Cal. 4th at 1132. Essentially, the multiplier compensates counsel for the risk of the "loan of [their] services." Ketchum, 24 Cal. 4th at 1132-22. Here, given that Plaintiff's counsel was involved in this case since April 2004 (see Brizzolara Decl. ¶ 26; id., Ex. 1 [Brizzolara Timesheet] at 1), it appears appropriate to fashion a contingent risk multiplier that awards counsel the fair market value of their services since the three and a half years from the time they accepted this case. See Horsford, 132 Cal. App. 4th at 399-401 (holding trial court abused its discretion by failing to consider factors for awarding multiplier and noting in particular that counsel's compensation had been deferred for several years). The question is: how much?

Having litigated and presided over many employment cases, the Court has seen many such disputes that presented a greater risk than this lawsuit. Employment discrimination cases most often turn on the issue of whether the reasons given for Plaintiff's termination were a pretext to conceal a discriminatory motive. In this case, Defendant's own records virtually guaranteed that a jury would find pretext. Although Defendant to this day asserts that Plaintiff was terminated because it did not have

1 relevant managerial level positions open when Plaintiff was released by his doctor to
2 return to work, that assertion is belied by documentation that Defendant's employees
3 were discussing the need to fill many such positions during the relevant time period.
4 (Exh. 241.) On April 16, 2003, just two weeks after Plaintiff asked to return to work,
5 Craig Stone, Plaintiff's area manager, sent an email to Joy Stich in Human Resources
6 advising that he had an "immediate need" to fill seven relevant, management level
7 positions. (Id.) That same document included the following passage: "Needs Now –
8 2 manager hires needed for Director bench mid range." (Id.) Regarding this
9 language, Toys R Us could only lamely assert that "immediate need" meant
10 something other than a current need and that "now" meant something other than at
11 once or at the present time. Likewise, Defendant's records include communication
12 with a person seeking employment in a managerial position like the one formerly held
13 by Plaintiff, and he was encouraged to submit his application. (Exhs. 237, 238.) In
14 the words of Mike Turner, one of the decision makers involved in Plaintiff's
15 termination, regarding a possible severance:

16 Due to the length of service it would be expensive. We would pay out
17 his vac/eto upon his termination. ***He really isn't someone we want to***
18 ***put into another position anyway.***

19 (Exh. 230; emphasis added.) Given the background evidence of age and disability
20 based discriminatory motives, it didn't take an Edward Bennet Williams to persuade
21 the jury that the articulated reason for Plaintiff's termination – that no positions were
22 available to be filled – was not only a pretext but was an outright lie.

23 (2). Skill and Commitment of Plaintiff's Counsel

24 Plaintiff asserts in somewhat conclusory fashion that the skill and commitment
25 of Plaintiff's counsel in this case warrants awarding a multiplier. (Mot. at 16 ("Counsel
26 for plaintiff were required to spend extensive time, effort, and money to prosecute this
27 matter.")) This argument does not distinguish this situation from any other case
28 where, presumably, counsel for a party also expends extensive time, effort, and

1 resources litigating their case. Moreover, courts have cautioned against using the skill
2 and commitment of counsel to award a multiplier, given that these factors are likely
3 already included in a lodestar calculation. See Ketchum, 24 Cal. 4th at 1138-39 ("A
4 more difficult legal question typically requires more attorney hours, and a more skillful
5 and experienced attorney will command a higher hourly rate.").

6 Frankly, the record does not support the conclusion that counsel committed a
7 disproportionate amount of time to this case, or that they were particularly vigorous in
8 discovering all relevant evidence that bore on their client's claim. Moreover, in the
9 Court's view, Plaintiff had available alternative theories that more readily fit the fact
10 pattern and would have been even easier to prove than the claims presented to the
11 jury. Thus, the Court finds little in the record to suggest that counsel made the most
12 of their skills and that they were more deeply committed to this case than to any other
13 lawsuit on their docket.

14 (3). Success of Litigation

15 Plaintiff also asserts that the success of litigation justifies awarding a
16 multiplier. (Mot. at 17.) In support, Plaintiff cites Serrano III, 20 Cal. 3d at 49, which
17 only noted that one of the factors that that court considered in awarding a multiplier
18 was that two law firms had been involved in an equal share of the success in the
19 litigation. See id. Serrano III did not stand for the broad proposition that any
20 successful litigation justified awarding a multiplier, and I have not found any case law
21 to that effect. Accordingly, and again for reasons discussed above, Plaintiff's success
22 in this readily winnable case indicates that, at most, a small multiplier would be
23 appropriate.

24 (4). Need to "Make Plaintiff Whole"

25 Plaintiff also argues that a multiplier is required to "make Plaintiff whole," that
26 is, to put him where he would have been but for Defendant employer's discriminatory
27 conduct. (Mot. at 18.) First, it is important to note that Plaintiff's counsel indicates
28 that Brizzolara and Smith entered into a contingency fee agreement with Plaintiff.

1 (Brizzolara Decl. ¶ 26.) Counsel, however, does not state what the fee agreement is
2 for. (See generally id.) Instead, Plaintiff's counsel indicates that the "standard"
3 contingency fee percentage in Southern California "for matters of this nature" is 40%
4 of any recovery received at or following trial. (Mot. at 17-18.) It is not clear from the
5 papers whether this 40% "standard" arrangement was entered into between the
6 parties. (This arrangement may be confidential, but that, too, is unclear from the
7 papers.) Accordingly, it is difficult to determine what amount is theoretically even
8 needed to "make Plaintiff whole."

9 In any event, the cases and statutes cited by Plaintiff for the proposition that a
10 plaintiff must be made whole to effectuate the purposes of FEHA appear inapposite,
11 as they deal with an award of **actual damages**, not attorney's fees. See Cloud v.
12 Casey, 76 Cal. App. 4th 895, 909 (Ct. App. 1999) (finding plaintiff in FEHA action was
13 entitled to prove the full extent of her **damages** necessary to make her 'whole,'
14 including both back pay and front pay); Cal. Gov. Code § 12970(a) (describing
15 availability of **actual damages** for FEHA violation); Commodore Home Sys., Inc. v.
16 Superior Court, 32 Cal. 3d 211, 213 (1982) (punitive **damages** available in FEHA civil
17 action); Ofsevit v. Trustees of Cal. State Univ., 21 Cal. 3d 763, 769 n.14 (**not a FEHA**
18 **case**; only discusses that award of back pay to make plaintiff whole under California
19 Education Code is permissible); Cal. Code of Reg. § 7286.9 (outlining broad authority
20 of Fair Employment and Housing Commission – not courts – to fashion remedies for
21 FEHA violation, including back pay and injunctive relief); League of United Latin Am.
22 Citizens v. City of Salinas Fire Dept., 654 F.2d 557, 559 (9th Cir. 1981) (**not a FEHA**
23 **case**; instead, a Title VII case affirming district court's grant of retroactive promotion
24 and backpay to plaintiff).

25 (5). Novelty or Difficulty of Issues Presented

26 While Plaintiff does not discuss this factor, Defendant correctly points out that
27 this case lacked any novel or difficult issues which would weigh in favor of a multiplier.
28 See Opp. at 8-9; Dillingham, 101 Cal. App. 4th at 426-27; Flannery, 61 Cal. App. 4th

1 at 646; Serrano III, 20 Cal. 3d at 48-49. Indeed, this action was a relatively
2 straightforward employment case involving one plaintiff, one defendant, and relatively
3 limited facts and law. Accordingly, again as noted above, the lack of novelty or
4 difficult issues presented in this case weigh against awarding a substantial multiplier.

5 (6). Computation

6 Focusing principally on the contingent risk element, the Court concludes that a
7 1.2 multiplier, which carries an implicit interest rate of 20%, would compensate
8 counsel for the risk undertaken in accepting this case. Although a 20% interest rate
9 might be considered high, the Court notes that counsel have been engaged in this
10 lawsuit over an extended period of time and that the implicit interest rate on an
11 attorney's "loan" of legal services is necessarily high because the "risk of default (the
12 loss of the case, which cancels the debt of the client to the lawyer) is much higher
13 than that of conventional loans." Ketchum, 24 Cal. 4th at 1132-33.

14 Plaintiff also asserts that because counsel was precluded from taking other
15 cases while handling this one, counsel should be awarded a multiplier. (Mot. at 16.)
16 This "opportunity cost" argument is not entirely persuasive because counsel has not
17 established that it gave up representations where the party would have paid an hourly
18 rate, or where the contingent risk was equivalent or lower to the risk assumed in this
19 case. Without such a showing, the opportunity cost is a "wash."

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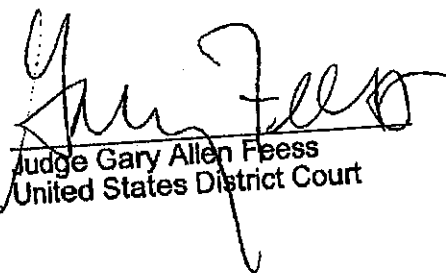
III.

CONCLUSION

For the foregoing reasons, the Court **GRANTS** Plaintiff's motion and awards Plaintiff attorney's fees, in the amount of \$319,050, which constitutes the lodestar figure of \$265,875 times a multiplier of 1.2.

IT IS SO ORDERED.

DATED: December 4, 2007


Judge Gary Allen Fees
United States District Court

STATE COURT RULING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 11/28/07

DEPT. 23

HONORABLE Tricia Ann Bigelow

JUDGE E T ESPINOZA

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

C VAUGHN, C.A.,

Deputy Sheriff

NONE

Reporter

BC353261

Plaintiff
Counsel

FRANK LIMA

NO APPEARANCES

VS

Defendant

CITY OF LOS ANGELES

Counsel

170.6 DAU (Pltff)

NATURE OF PROCEEDINGS:

RULING RE SUBMITTED MATTER

The Court having taken MOTION OF PLAINTIFF, FRANK LIMA FOR AN AWARD OF ATTORNEY FEES AND COSTS under submission on November 27, 2007, now rules as follows:

The Court award attorney's fees in the amount of \$274,675.00.

The ruling is more fully reflected in the Court Ruling re Submitted Matter which is filed this date and incorporated herein by reference.

CLERK'S CERTIFICATE OF MAILING/
NOTICE OF ENTRY OF ORDER

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 11/28/2007 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

Date: November 28, 2008

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 11/28/07

DEPT. 23

HONORABLE Tricia Ann Bigelow

JUDGE E T ESPINOZA

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

C VAUGHN, C.A.,

Deputy Sheriff

NONE

Reporter

BC353261

Plaintiff

Counsel

FRANK LIMA

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VS

Defendant

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Counsel

170.6 DAU (Pltff)

NATURE OF PROCEEDINGS:

John A. Clarke, Executive Officer/Clerk

By: E.T. Espinoza
E T Espinoza

Gregory Smith
9952 Santa Monica Blvd.
Beverly Hills, CA 90212

Chris Brizzolara
1528 16th Street
Santa Monica, CA 90212

Rockard J. Delgadillo, City Attorney
Beth D. Orellana, Deputy City Attorney
Employment Litigation
700 City Hall East
200 N. Main Street
Los Angeles, CA 90012

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NOV 28 2007

**LOS ANGELES
SUPERIOR COURT**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

FRANK LIMA

PLAINTIFF(S)

VS.

CITY OF LOS ANGELES

DEFENDANT(S)

CASE NUMBER
BC353261

COURT RULING RE SUBMITTED MATTER

0 MATTER

Frank Lima v. City of Los Angeles, et. al., BC 353261

Ruling:

The Court awards attorney's fees in the amount of \$274,675.00.

Background Facts:

On May 31, 2006, Plaintiff Captain Frank Lima filed suit against Defendant-Employer City of Los Angeles – apparently in its capacity as the Los Angeles Fire Department – in Los Angeles County Superior Court. The complaint states two causes of action for: (1) sex-based employment discrimination under FEHA; and (2) retaliation under FEHA. The complaint was answered by the City of Los Angeles on August 29, 2006. The factual allegations underlying the complaint are that Lima, in his role as a Fire Captain, was supervising a training drill in June of 2004, when a female firefighter under his command was unable to perform her assigned task. The female firefighter, Melissa Kelley, apparently aggravated a prior injury in the course of the drill, and later lodged a complaint that Captain Lima was singling her out, and harassing her. Upon this complaint, the Fire Department launched an investigation into Captain Lima's conduct, at which time Assistant Chief Andrew Fox met with Captain Lima and allegedly informed him through various statements that he was obligated to treat female recruits preferentially. Captain Lima refused this instruction, and alleges that he was subsequently retaliated against. Captain Lima subsequently filed a complaint with DFEH and received a right-to-sue letter. The Court notes that the same allegations were asserted to give rise to both causes of action.

On May 2, 2007, the Court heard argument regarding the summary adjudication of the first and second causes of action, and took the matter under submission. At oral argument, counsel for Captain Lima indicated that they would be willing to submit to a tentative ruling granting summary adjudication in favor of the City as to the first cause of action. In a written ruling issued on May 14, 2007, the Court denied summary adjudication as to the second cause of action.

On May 22, 2007, jurors were empanelled and sworn for trial on the matter. The trial commenced on May 24, 2007. On June 7, 2007, the jury returned a verdict in favor of Captain Lima. The total verdict was for \$3,750,000.00.

On October 5, 2007, Captain Lima filed a motion seeking to have the Court fix attorneys fees in the matter. The motion requests attorney's fees in the amount of \$411,637.50. On November 14, 2007, the City of Los Angeles filed an opposition to motion to tax costs. On November 21, 2007, Captain Lima filed a reply.

Analysis:

Captain Lima, as the prevailing plaintiff in a FEHA action is entitled to an award of his attorney's fees, pursuant to the statute and also pursuant to CCP § 1021.5, for pursuing litigation in the public interest. See Government Code § 12965(b) and *Horsford v. Board of Trustees of California State University* (2005) 132 Cal.App.4th 359, 394 concerning FEHA; and *Tipton-Whittingham v. City of Los Angeles* (2004) 34 Cal.4th 604, 610 discussing the similarity of the fee provisions in FEHA and CCP § 1021.5. The City does not contest the availability of attorneys fees as a general proposition, but merely the amount of the award and the circumstances of its grant.

Preliminarily, the Court notes that the agreement between Captain Lima and Attorney Smith calls for compensation to Attorney Smith if Lima prevailed at trial of the greater of (a) the statutory award of attorney's fees, or (b) 40% of the jury award and the attorney's fee award (see Orellano Decl. ¶ 3). As the jury awarded Lima \$ 3.75 million dollars, 40% of that amount plus the attorney's fee award will certainly be greater than the statutory fee award by itself. The City asserts that this recommends an award of nothing, relying on authority which suggests that excessive awards are unreasonable, and that awards of unreasonable attorneys fee are an abuse of discretion. *Serrano v. Unruh* (1982) 32 Cal.3d 621, 635; *Thayer v. Wells Fargo Bank, N.A.* (2001) 92 Cal.App.4th 819, 844-845. There is no authority provided which is directly on point, and the Court finds the City's argument to be largely unpersuasive. Captain Lima is plainly entitled to an award of reasonable attorneys fees incurred in the prosecution of his action against the

City. The subsequent exchange of monies between Lima and Attorney Smith is a matter of the contract between the two.

Turning to the hours requested in conjunction with the matter, the Court finds that the City, on its own initiative and through the declaration of Ken Moscarel, a defense expert on attorney's fees, engage in an rather unseemly attempt to denigrate the fees which may be reasonably charged by Attorneys Smith, Brizzolara, and Chun on Captain Lima's behalf. The attempts are unconvincing. Initially, the City attempts to rely on the assertions of Moscarel (whose article on "branding" in relation to enhanced fee requests is featured in a recent edition of the *Los Angeles Daily Journal*) and the unpublished musings of the Court of Appeal in *Gonzalez v. Roadway Express* 2005 WL 3470678 (Dec. 2005) for the proposition that attorneys in smaller firms should be entitled to a lesser hourly rate than attorneys of similar experience at larger firms. The propositions advanced in *Gonzalez*, and by Moscarel are merely persuasive authority – and they fail to persuade. While the lionization of the "white-shoe" law firm's hiring standards is not an unfamiliar phenomenon in law schools, trial courts often note that GPAs and diplomas do not necessarily translate into effective litigation skills and trial advocacy. The infatuation of larger firms with credentials certainly serves to create a gap in the skills and analytical abilities in an abstract population of new lawyers, but there is no authority or evidence suggesting that such a gap persists as attorneys gain experience. Indeed, the average small firm litigation partner is likely to have multiple times more trial experience than a large firm partner with commensurate experience. Moreover, these discrepancies in ability are relevant to the mass of attorneys in a state or metropolitan area, but not to individual attorneys. Here, the results achieved by Attorney Smith – soundly defeating the City of Los Angeles, and securing a multi-million dollar verdict for Captain Lima – establish his *bona fides* in a manner sufficiently convincing to the Court.

The City also asserts that the matter was not staffed in the most efficient manner it could have been, providing no California authority suggesting that the Court is obligated to manage the tasks to which a party's attorneys are assigned.¹ The City then suggests

¹ *Welch v. Metropolitan Life Insurance Co.* (9th Cir. (Cal.) 2007) 480 F.3d 942 – concerning billing increments. *MacDougal v. Catalyst Nightclub* (N.D. Cal. 1999) 58 F.Supp.2d 1101; *Ursic v. Bethlehem Mines* (3rd Cir. 1983) 719 F.2d 670; *Mautner v. Hirsch* (S.D.N.Y. 1993) 831 F.Supp. 1058 – concerning the delegation of tasks to the most efficient (*i.e.* cheapest) capable biller.

that the requested attorney's fees be taxed by 10% in response to this asserted billing practice, again without providing any authority or argument as to why this is appropriate. The Court certainly notes that assignment of tasks to the most efficient capable attorney is optimal, but finds no authority for the proposition that inefficient distribution of tasks amongst attorneys in a firm equates to billing malfeasance such that any bills requested are "beyond reason." Therefore, the Court rejects the suggestion that the staffing of the matter is unreasonable. The City further asserts that the time spent opposing the motion for summary judgment and the motion for new trial filed by the City are excessive. The memorandum of points and authorities recommends a percentage tax on the claimed hours without suggesting why this is appropriate.²

However, the Court does agree with the City that the attorneys fees awarded in the action are not appropriately subject to a multiplier. The Court finds that multipliers are appropriately applied when necessary to provide reasonable compensation in connection with counsel who prevails in a matter of public interest. *Weeks v. Baker & McKenzie* (1998) 63 Cal.App.4th 1128, 1171-1172. Here, the Court notes that a multiplier based on the contingent nature of Attorney Smith's recovery is inappropriate, as the contingent fee agreement which the plaintiff has entered into has secured adequate compensation for them. Moreover, the Court finds that the issues in the matter presented at trial were not sufficiently novel or difficult to warrant a multiplier.

Pursuant to the foregoing discussion, the Court awards attorney's fees in the amount of \$274,675.00 consisting of 358.5 hours of Attorney Smith's time at \$ 500.00 per hour, 118.6 hours of Attorney Brizzolara's time at \$500.00 per hour, and 144.5 hours of Attorney Chun's time at \$250.00 per hour. The Court finds these fees to be reasonable, and awards no multiplier thereto.

² The percentage taxations recommended by the memorandum reference the declaration of Moscaret. Moscaret does not declare that he has any knowledge of what time Attorney Smith actually spent on these motions (see Moscaret ¶ 86). Moscaret proceeds from the assumption that certain federal decisions recommendation percentage taxations are appropriate. Absent California authority empowering the Court to engage in such "guesstimation," the Court declines the invitation to do so.

EXHIBIT "2"

Taylor v. City of Burbank: Motion for Attorney's Fees

<u>DATE</u>	<u>MATTER</u>	<u>TIME</u>
		1.5
		4.2
5/28/2009	Conversation with Client	1.1
5/30/2009	Weekend meeting with Client	0.5
6/1/2009	Conversation with Client	3.6
6/2/2009	Conversation with Client	4.5
6/6/2009	Weekend meeting with Client	0.4
6/13/2009	Weekend meeting with Client	0.5
6/15/2009	Draft letter to Timothy Stehr	2.6
6/15/2009	Prepare DFEH charge	2.2
6/16/2009	Review, organize Client documents	1.7
6/17/2009	Internet research re: BPD, Stehr, etc.	1.6
6/18/2009	Conversation with Client	0.5
6/22/2009	Conversation with Client	1.2
6/26/2009	Draft letter to Carol Humiston	0.4
6/30/2009	Conversation with Client	0.4
6/30/2009	Draft letter to Carol Humiston	0.6
6/30/2009	Draft letter to Carol Humiston	4.0
7/16/2009	Conversation with Client	2.7
7/29/2009	Client meeting	0.5
7/30/2009	Meeting with Client	1.3
7/30/2009	Draft letter to Office of City Clerk, City of Burbank	0.8
8/19/2009	Conversation with Client	3.8
8/19/2009	Draft letter to Ericka Reinke	0.5
8/25/2009	Legal research re: DFEH claims of Client, public entity liability	6.0
8/27/2009	Draft letter to Ericka Reinke	3.5
9/12/2009	Client meeting	0.4
9/18/2009	Draft complaint; Client meeting	0.5
9/21/2009	Draft letter to Timothy Stehr	3.5
9/24/2009	Prepare CCP 170.6 Notice	1.2
9/30/2009	IA Interview/Travel	3.5
10/2/2009	Draft letter to Judie Wilke	0.4
10/5/2009	Bill Taylor Deposition (WC Case)/Travel	1.0
10/12/2009	Draft letter to all counsel	3.6
10/13/2009	π's response/objection to DD at deposition	0.6
10/16/2009	Meeting with Client, re: City documents	0.5
10/20/2009	Prepare documents for delivery to Δ	0.5
10/20/2009	Draft letter to Judie Wilke	0.5
10/20/2009	Draft letter to Kristin Pelletier	0.5
10/20/2009	Draft letter to Kristin Pelletier	0.7
10/24/2009	Draft letter to Bill Taylor	1.0
10/26/2009	Draft letter to Kristin Pelletier	0.4
10/26/2009	Draft letter to Kristin Pelletier	3.2
10/26/2009	Draft letter to Kristin Pelletier	1.0
10/26/2009	Research re: Attorney-Client Privilege/Rule	1.0
11/2/2009	Review of Δ's answer to complaint	0.5
11/3/2009	Prepare notice of related cases	0.5
11/3/2009	Prepare notice of change of address	6.5
11/9/2009	Draft letter to Kristin Pelletier	1.0
11/11/2009	Prepare RFAs; Doc Demand; Special, Employment Interrogatories	0.5
11/13/2009	Prepare objections to depositions	0.4
11/16/2009	Draft letter to Kristin Pelletier	
11/16/2009	Draft letter to Kristin Pelletier	

Taylor v. City of Burbank: Motion for Attorney's Fees

		0.2
		0.4
11/16/2009	Review Stehr deposition notice	4.0
11/25/2009	Draft letter to Kristin Pelletier	0.5
11/25/2009	Deposition of Plaintiff - Session 1/Travel	3.0
12/14/2009	Prepare notice of refusal	0.1
1/15/2010	Review of Δ's discovery response (DD#1, FR-EL#1, etc.)	9.0
1/18/2010	E-mail correspondence, Ronald Frank	0.2
1/19/2010	Deposition of Plaintiff - Session 2/Travel	0.8
1/29/2010	Meet & confer re: CMC (case management conference)	0.5
2/16/2010	Draft letter to Kristin Pelletier	4.0
2/24/2010	Review Murphy, Quesada, Ramos deposition notices	0.5
3/2/2010	CMC (Case Management Conference)/Travel	0.2
3/5/2010	Review amended deposition notices	1.0
3/11/2010	Telephone conf. re: discovery meet/confer, Taylor depo questions	0.8
3/31/2010	Draft letter to Scott LaChasse	0.6
4/5/2010	Draft letter to Kristin Pelletier	0.7
4/5/2010	Draft letter to Scott LaChasse	5.4
4/5/2010	Draft letter to Richard Kreisler	4.0
4/14/2010	Draft Pitchess motion	3.5
4/14/2010	π's reply brief re: Pitchess motion	4.2
4/15/2010	Client meeting	0.2
4/16/2010	Draft Skelly response	0.5
4/19/2010	Draft letter to Scott LaChasse	1.2
4/21/2010	Prepare notice to continue on Pitchess motion	0.5
4/23/2010	Draft letter to Kristin Pelletier	0.5
4/27/2010	Draft letter to Scott LaChasse	0.5
4/28/2010	Draft letter to Scott LaChasse	3.0
5/4/2010	Draft stipulation	4.0
5/7/2010	π's motion to compel further response to DD, Rogs	0.5
5/7/2010	π's ex parte, request continuance of hearing date Δ's motion; travel	5.0
6/4/2010	Draft letter to Office of City Clerk, City of Burbank	1.2
6/4/2010	Client meeting; Draft DFEH charge	4.5
6/18/2010	Draft letter to Michael Stone	5.0
7/6/2010	Preparation for Magnante deposition	3.0
7/7/2010	Deposition of Cindy Magnante (Police Administrator)	4.5
7/12/2010	π's motion to compel further response to DD, Rogs	4.0
7/12/2010	Plaintiff's Pitchess motion/legal research	3.5
8/11/2010	Ex parte re: in camera inspection, date setting, notifications	0.1
8/13/2010	Draft amended complaint	0.1
8/25/2010	E-mail correspondence, Kristin Pelletier	0.1
8/25/2010	E-mail correspondence, Kristin Pelletier	0.1
8/25/2010	E-mail correspondence, Kristin Pelletier	0.1
8/25/2010	E-mail correspondence, Kristin Pelletier	0.1
8/29/2010	E-mail correspondence, Kristin Pelletier	3.0
8/30/2010	Δ's ex parte requesting filing Pitchess under seal; Review/legal research	0.1
8/31/2010	E-mail correspondence, Robert Tyson	0.5
9/3/2010	Draft letter to Office of City Clerk, City of Burbank	0.1
9/8/2010	E-mail correspondence, Kristin Pelletier	0.1
9/8/2010	E-mail correspondence, Kristin Pelletier	0.3
9/21/2010	Draft letter to Bill Taylor	0.1
9/21/2010	E-mail correspondence, Alice Cheung	4.0
9/22/2010	Jette, Rosoff ex parte, lodge π's Pitchess motion under seal	

Taylor v. City of Burbank: Motion for Attorney's Fees

10/5/2010	E-mail correspondence, Kristin Pelletier	0.1
10/7/2010	E-mail correspondence, Kristin Pelletier	0.1
10/10/2010	Phone communication with Bill Taylor	0.3
10/13/2010	E-mail correspondence, Kristin Pelletier	0.1
10/14/2010	Phone communication with Bill Taylor	0.2
10/20/2010	Review documents/Client meeting	4.5
10/21/2010	Prepare response for Δ's request for production of documents	1.5
10/21/2010	Phone communication with Bill Taylor	0.2
10/21/2010	Phone communication with Bill Taylor	0.2
10/21/2010	Phone communication with Bill Taylor	0.2
10/21/2010	Phone communication with Bill Taylor	0.2
10/26/2010	Phone communication with Bill Taylor	2.2
11/2/2010	Meeting with Client, re: discovery response	5.0
11/3/2010	Meeting with Client, re: discovery response	4.0
11/4/2010	π's ex parte hearing, order allowing filing 1st amend. complaint	6.0
11/5/2010	π's discovery response (DD#2, SR#1)	4.0
12/6/2010	Trial setting conference/travel; Jette, Rosoff motion for protective order	3.0
12/6/2010	sealing Pitchess motions	0.2
12/15/2010	Motion for protective order	0.2
12/20/2010	Phone communication with Bill Taylor	0.2
12/20/2010	Phone communication with Bill Taylor	0.2
12/23/2010	Δ's ex parte, order directing preparation of sealed transcripts	3.5
1/10/2011	Drafting First Amended Complaint	0.1
1/13/2011	E-mail correspondence, Robert Tyson	0.1
1/13/2011	E-mail correspondence, Robert Tyson	2.0
1/14/2011	Review of Δ's answer to 1st amended complaint	0.2
1/17/2011	Phone communication with Bill Taylor	0.2
1/18/2011	Phone communication with Bill Taylor	4.0
1/19/2011	Hearing on Plaintiff's filing Pitchess motions (re: Jette, Rosoff)	4.0
1/21/2011	Hearing on Plaintiff's Pitchess motion re: Merrick Bobb Report	1.0
2/11/2011	π's opposition re: OSC, why relief should/should not be granted	0.2
2/16/2011	Phone communication with Bill Taylor	2.0
3/18/2011	π's discovery response (SR#2)	4.1
3/23/2011	Joint status report/travel re: hearing on π's Pitchess motion	4.0
4/6/2011	Hearing on Plaintiff's Pitchess motions/travel (re: Jette, Rosoff)	
4/13/2011	Oral argument hearing, re: Case #B229849/#B230175; Court of Appeal, oral argument hearing, OSC re: granting of relief requested in writ	3.0
4/19/2011	Draft letter to Robert Tyson	0.5
5/4/2011	E-mail correspondence, Robert Tyson	0.1
5/31/2011	Phone communication with Bill Taylor	0.2
5/31/2011	Hearing on Plaintiff's Pitchess motions/travel (re: Jette, Rosoff)	4.0
6/1/2011	Telephone conference re: setting dates for Pitchess motions, etc.	0.3
6/28/2011	Draft letter to Robert Tyson	0.7
7/5/2011	Hearing on Plaintiff's Pitchess motions/travel (re: Jette, Rosoff)	4.0
7/7/2011	Draft letter to Robert Tyson	0.5
7/7/2011	Review client note re: Gardiner; Investigation re: Porto's; Client meeting	8.0
7/7/2011	E-mail correspondence, Robert Tyson	0.1
7/8/2011	Draft letter to Robert Tyson	0.5
8/4/2011	Phone communication with Bill Taylor	0.2
8/5/2011	Phone communication with Bill Taylor	0.2
8/8/2011	Telephonic hearing re: protective order, Pitchess documents	0.5

Taylor v. City of Burbank: Motion for Attorney's Fees

8/9/2011	Phone communication with Bill Taylor	0.2
8/9/2011	E-mail correspondence, Robert Tyson	0.1
8/19/2011	Hearing re: protective order	4.0
8/26/2011	Draft letter to Ronald Frank, Robert Tyson	0.5
8/26/2011	Phone communication with Bill Taylor	0.2
8/26/2011	π 's oppos. to Δ 's motion to compel π 's further resp to SR #2	2.5
9/1/2011	Phone communication with Bill Taylor	0.2
9/1/2011	Review Porto's investigation, Volume 1	3.5
9/9/2011	Defendant's meeting to compel further response	0.5
9/14/2011	E-mail correspondence, Ronald Frank	0.1
9/15/2011	Review redactions in 16 volumes of Porto's investigation	4.1
9/16/2011	Review redactions in 16 volumes of Porto's investigation	3.3
9/16/2011	Draft letter to Ronald Frank, Robert Tyson	0.8
9/19/2011	Phone communication with Bill Taylor	0.2
9/26/2011	E-mail correspondence, Robert Tyson	0.1
10/3/2011	Review Taylor salary documents	3.0
10/3/2011	Review Porto's investigation, Volume 2, 3	8.0
10/4/2011	Phone communication with Bill Taylor	0.2
10/4/2011	Phone communication with Bill Taylor	0.2
10/4/2011	Review Porto's investigation, Volume 4, 5	7.4
10/5/2011	Review Porto's investigation, Volume 6	4.5
10/6/2011	Review Porto's investigation, Volume 7	4.2
10/7/2011	Review and prepare responses to Δ 's discovery	3.0
10/7/2011	Review Porto's investigation, Volume 8	6.5
10/7/2011	E-mail correspondence, Kristin Pelletier	0.1
10/10/2011	E-mail correspondence, Ronald Frank	0.1
10/11/2011	Taylor deposition preparation	2.5
10/11/2011	E-mail correspondence, Robert Tyson	0.1
10/12/2011	Taylor deposition/travel	9.0
10/13/2011	Taylor deposition/travel	9.0
10/17/2011	Phone communication with Bill Taylor	0.2
10/17/2011	Expert witness designation, preparation	2.5
10/18/2011	Taylor deposition/travel	9.0
10/21/2011	E-mail correspondence, Agnes Tualla	0.1
10/26/2011	Prepare for Stehr deposition	3.5
10/27/2011	Stehr deposition	2.5
10/27/2011	E-mail correspondence, Theresa	0.1
10/28/2011	π 's discovery response (FR-EL#2)	2.5
10/31/2011	Phone communication with Bill Taylor	0.2
10/31/2011	Phone communication with Bill Taylor	0.2
10/31/2011	Prepare for Ramos deposition/Review documents	3.5
11/1/2011	Ramos deposition	3.0
11/1/2011	π 's discovery response (DD#3)	3.5
11/2/2011	E-mail correspondence, Linda Savitt	0.1
11/3/2011	Prepare for Flad deposition/Review documents	4.1
11/4/2011	Phone communication with Bill Taylor	0.2
11/4/2011	Phone communication with Bill Taylor	0.2
11/4/2011	Flad deposition	3.0
11/7/2011	Draft letter to Ronald Frank	0.4
11/7/2011	Meeting with Client re: trial preparation, witness list, exhibit list	2.0
11/7/2011	Review documents and respond to Δ 's Document Demand #3	3.0
11/9/2011	E-mail correspondence, Lori Liebman	0.1

Taylor v. City of Burbank: Motion for Attorney's Fees

11/10/2011	Review of Pitchess documents with Client	7.1
11/15/2011	Phone communication with Bill Taylor	0.2
11/15/2011	Review Δ's motion to continue trial	0.5
11/15/2011	Attend Δ's motion to continue trial/travel	4.1
11/16/2011	VSC, Travel	4.5
11/22/2011	Consultation with Client and review Pitchess documents	4.0
11/23/2011	Phone communication with Bill Taylor	0.2
12/1/2011	Review of Pitchess documents with Client	6.0
12/7/2011	Review of Pitchess material with Client for trial	4.0
12/7/2011	Δ's ex parte to augment expert witness designation	3.0
1/12/2012	Review Porto's investigation, Volume 9, 10, 11	5.4
1/13/2012	Review Porto's investigation, Volume 12	4.3
1/16/2012	Review Porto's investigation, Volume 13, 14	5.0
1/17/2012	Review Porto's investigation, Volume 15, 16	5.5
1/18/2012	Review Porto's investigation, Volume 17, 18	4.0
1/18/2012	Telephone conversation with client, witness; trial preparation	3.0
1/19/2012	Listen to IA tapes from IA #34 (Taylor, Puglisi), review transcripts	6.5
1/19/2012	E-mail correspondence, Robert Frank	0.1
1/20/2012	Listen to IA tapes from IA #34 (Lowers, Stehr, Misquez), review statements	7.3
1/27/2012	E-mail correspondence, Robert Tyson	0.1
1/30/2012	Leoni deposition/travel	3.5
1/31/2012	Δ's discovery response (Supp DD #1, Supp Rog #1, etc.), review	1.5
2/1/2012	E-mail correspondence, Robert Tyson	0.1
2/14/2012	Review research and draft oppositions to Δ's motions in limine I-3	6.4
2/21/2012	Meeting with Bill Taylor	5.0
2/21/2012	Ex parte hearing; page-by-page review of Porto's investigations	7.5
2/22/2012	Meeting with Bill Taylor	3.2
2/23/2012	Meeting with Bill Taylor	4.5
2/24/2012	E-mail correspondence, Robert Tyson	0.1
2/24/2012	E-mail correspondence, Tony Kay	0.1
2/24/2012	Prepare exhibits from Porto's IA and π's documents	6.1
2/24/2012	E-mail correspondence, Tony Kay	0.1
2/24/2012	E-mail correspondence, Ronald Frank	0.1
2/24/2012	Continue preparing exhibit list, witness list; Review documents	6.1
2/24/2012	E-mail correspondence, Ronald Frank	0.1
2/24/2012	E-mail correspondence, Ronald Frank	0.1
2/26/2012	Review voir dire question received from Δ and exhibit list from Δ	3.2
2/27/2012	Meeting w/ client; page-by-page review of all Porto's investigations	6.4
2/27/2012	E-mail correspondence, Agnes Tualla	0.1
2/27/2012	E-mail correspondence, Ronald Frank	0.1
2/27/2012	E-mail correspondence, Ronald Frank	0.1
2/27/2012	E-mail correspondence, Ronald Frank	0.1
2/27/2012	Prepare for trial exhibits, documents/Porto's IA	6.3
2/27/2012	E-mail correspondence, Ronald Frank	0.1
2/27/2012	E-mail correspondence, Ronald Frank	0.1
2/27/2012	E-mail correspondence, Ronald Frank	0.1
2/27/2012	E-mail correspondence, Ronald Frank	0.1
2/27/2012	E-mail correspondence, Ronald Frank	0.1
2/28/2012	list	1.0
2/29/2012	Review documents in preparation for trial	2.3

Taylor v. City of Burbank: Motion for Attorney's Fees

		4.0
		0.1
2/29/2012	Attend FSC/travel	0.1
2/29/2012	E-mail correspondence, Ronald Frank	6.5
2/29/2012	E-mail correspondence, Robert Tyson	0.1
3/1/2012	Meeting with Bill Taylor	0.1
3/1/2012	E-mail correspondence, Ronald Frank	0.1
3/1/2012	E-mail correspondence, Tony Kay	0.1
3/1/2012	E-mail correspondence, Agnes Tualla	0.1
3/1/2012	E-mail correspondence, Robert Tyson	
3/1/2012	Review exhibits, meeting w/ client and Brizzolara; Review depositions,	8.5
3/2/2012	prepare for trial; Review 3 volumes of Taylor depositions	0.1
3/2/2012	E-mail correspondence, Ronald Frank	0.1
3/2/2012	E-mail correspondence, Ronald Frank	
3/3/2012	Meeting with client and Paul Kim; Review client's depositions (2 volumes)	9.6
3/3/2012	Meeting with client, review Pitchess, prepare for trial, prepare opening; E-	8.4
3/4/2012	mail correspondence, Tony Kay; Review expert and witness list	3.5
3/5/2012	Review Pitchess material	9.4
3/5/2012	Trial: voir dire, opening statement, travel	0.1
3/5/2012	E-mail correspondence, Tony Kay	0.1
3/5/2012	E-mail correspondence, Tony Kay	8.3
3/6/2012	prepare for trial, trial/travel	1.2
3/6/2012	Review motion to quash trial subpoena	3.5
3/7/2012	Prepare for trial, review documents, depositions, statements	9.1
3/7/2012	Trial/travel	4.0
3/8/2012	Prepare for trial, review documents, depositions, statements	9.1
3/8/2012	Trial/travel	8.1
3/9/2012	E-mail correspondence, Linda Savitt/trial/ travel	4.2
3/12/2012	Review depositions, witness statements, documents	9.3
3/12/2012	Trial/travel	3.3
3/13/2012	Prepare for trial following day review jury instructions	9.5
3/13/2012	Trial/travel	3.5
3/14/2012	Prepare closing argument	9.2
3/14/2012	Trial/travel	0.1
3/14/2012	E-mail correspondence, Tony Kay	0.1
3/14/2012	E-mail correspondence, Robert Tyson	9.3
3/15/2012	Trial/travel	9.2
3/16/2012	Trial/travel	8.4
3/19/2012	Trial/travel	0.5
3/29/2012	Review objection to proposed judgment	1.5
4/5/2012	Prepare objection/research re: judgment	0.5
4/12/2012	Review judgment	2.5
4/26/2012	Prepare/research motion for injunctive relief	3.2
4/27/2012	Prepare/review cost for memorandum of costs	0.5
4/27/2012	Review notice to move for new trial	4.5
5/7/2012	Review motion for new trial and JNOV	5.0
5/9/2012	Review objection filed by Δ	2.2
5/17/2012	Review Δ's motion to tax costs/Travel	1.5
5/18/2012	Draft opposition to motion to tax costs	3.2
5/22/2012	Hearing	1.0
5/30/2012	Review objections to π's opposition to new trial	4.3
6/1/2012	Prepare hours for motion for attorney's fees	2.0
6/1/2012	Opposition to Δ's reply brief, research/draft	

Taylor v. City of Burbank: Motion for Attorney's Fees

6/6/2012	Attend motion for new trial, JNOV; Travel	4.1
6/8/2012	Prepare hours for motion for attorney's fees	7.4
6/10/2012	Draft motion for attorney's fees, continue preparing hours	3.5
<u>TOTAL HOURS</u>		727.6

EXHIBIT "3"

Payment Listing

Taylor, William H

Services provided through March 31, 2012

From	Through	Vendor	Billed	Discount	Amount	Currency
Attorney's Fees						
		BALLARD ROSENBERG	6,372.40	0.00	6,372.40	USD
		BURKE WILLIAMS &	165,163.85	0.00	165,163.85	USD
		BALLARD ROSENBERG	2,744.50	0.00	2,744.50	USD
		BURKE WILLIAMS &	43,857.65	0.00	43,857.65	USD
		BALLARD ROSENBERG	10,396.50	0.00	10,396.50	USD
		BURKE WILLIAMS &	10,188.55	0.00	10,188.55	USD
		BALLARD ROSENBERG	6,211.10	0.00	6,211.10	USD
		BALLARD ROSENBERG	18,124.60	0.00	18,124.60	USD
		BALLARD ROSENBERG	1,098.70	0.00	1,098.70	USD
		BALLARD ROSENBERG	1,550.50	0.00	1,550.50	USD
		BALLARD ROSENBERG	42.50	0.00	42.50	USD
		BALLARD ROSENBERG	142.00	0.00	142.00	USD
		BURKE WILLIAMS &	71,777.08	0.00	71,777.08	USD
		BURKE WILLIAMS &	24,819.00	0.00	24,819.00	USD
		BURKE WILLIAMS &	39,767.04	0.00	39,767.04	USD
		BURKE WILLIAMS &	36,313.00	0.00	36,313.00	USD
		BURKE WILLIAMS &	5,323.53	0.00	5,323.53	USD
		BURKE WILLIAMS &	16,132.85	0.00	16,132.85	USD
		BURKE WILLIAMS &	8,389.75	0.00	8,389.75	USD
		BURKE WILLIAMS &	23,452.92	0.00	23,452.92	USD
		BURKE WILLIAMS &	17,983.32	0.00	17,983.32	USD
		BURKE WILLIAMS &	52.56	0.00	52.56	USD
		BURKE WILLIAMS &	68,116.60	0.00	68,116.60	USD
		BURKE WILLIAMS &	49,193.42	0.00	49,193.42	USD
		BURKE WILLIAMS &	25,567.12	0.00	25,567.12	USD
		STONE & BUSAILAH LLP	3,766.30	0.00	3,766.30	USD
		STONE & BUSAILAH LLP	275.00	0.00	275.00	USD
		BALLARD ROSENBERG	1,008.70	0.00	1,008.70	USD
		BALLARD ROSENBERG	3,446.30	0.00	3,446.30	USD
		STONE & BUSAILAH LLP	1,517.10	0.00	1,517.10	USD
		STONE & BUSAILAH LLP	27,780.00	0.00	27,780.00	USD
		STONE & BUSAILAH LLP	185.00	0.00	185.00	USD

From	Through	Vendor	Billed	Discount	Amount	Currency
		STONE & BUSAILAH LLP	1,812.50	0.00	1,812.50	USD
		STONE & BUSAILAH LLP	277.50	0.00	277.50	USD
		STONE & BUSAILAH LLP	6,239.00	0.00	6,239.00	USD
		STONE & BUSAILAH LLP	1,222.50	0.00	1,222.50	USD
		STONE & BUSAILAH LLP	3,561.00	0.00	3,561.00	USD
		STONE & BUSAILAH LLP	5,195.00	0.00	5,195.00	USD
		STONE & BUSAILAH LLP	2,115.50	0.00	2,115.50	USD
		STONE & BUSAILAH LLP	7,034.74	0.00	7,034.74	USD
		STONE & BUSAILAH LLP	2,072.00	0.00	2,072.00	USD
		STONE & BUSAILAH LLP	1,776.00	0.00	1,776.00	USD
		STONE & BUSAILAH LLP	3,082.62	0.00	3,082.62	USD
		BALLARD ROSENBERG	8,525.56	0.00	8,525.56	USD
		BALLARD ROSENBERG	382.00	0.00	382.00	USD
		BURKE WILLIAMS &	24,631.35	0.00	24,631.35	USD
		BURKE WILLIAMS &	47,848.48	0.00	47,848.48	USD
		BURKE WILLIAMS &	26,113.20	0.00	26,113.20	USD
		BURKE WILLIAMS &	54,692.06	0.00	54,692.06	USD
		BURKE WILLIAMS &	26,989.35	0.00	26,989.35	USD
		BURKE WILLIAMS &	21,781.46	0.00	21,781.46	USD
		BURKE WILLIAMS &	11,439.50	0.00	11,439.50	USD
		BURKE WILLIAMS &	26,379.00	0.00	26,379.00	USD
		BURKE WILLIAMS &	32,957.00	0.00	32,957.00	USD
		BURKE WILLIAMS &	2,564.82	0.00	2,564.82	USD
		BURKE WILLIAMS &	147.50	0.00	147.50	USD
		BURKE WILLIAMS &	383.50	0.00	383.50	USD
		BURKE WILLIAMS &	15,511.14	0.00	15,511.14	USD
		BURKE WILLIAMS &	4,474.50	0.00	4,474.50	USD
		BURKE WILLIAMS &	10,622.50	0.00	10,622.50	USD
		Totals for Attorney's Fees	1,015,023.6	0.00	1,015,023.6	
Depositions		VERITEXT LOS ANGELES	1,648.70	0.00	1,648.70	USD
		VERITEXT LOS ANGELES	1,544.00	0.00	1,544.00	USD
		VERITEXT LOS ANGELES	1,541.95	0.00	1,541.95	USD
		VERITEXT LOS ANGELES	1,642.65	0.00	1,642.65	USD
		VERITEXT LOS ANGELES	1,235.75	0.00	1,235.75	USD
		LEGAL VIDEO SVCS	1,358.00	0.00	1,358.00	USD
		LEGAL VIDEO SVCS	691.00	0.00	691.00	USD
		LEGAL VIDEO SVCS	691.00	0.00	691.00	USD

From	Through	Vendor	Billed	Discount	Amount	Currency
		VERITEXT LOS ANGELES	528.15	0.00	528.15	USD
		Totals for Depositions	10,881.20	0.00	10,881.20	
Expert Witness						
		PATRICK LYNCH	3,855.00	0.00	3,855.00	USD
		Totals for Expert Witness	3,855.00	0.00	3,855.00	
FedEx/Delivery Service						
		ARTEK CO	38.00	0.00	38.00	USD
		ARTEK CO	38.00	0.00	38.00	USD
		FEDERAL EXPRESS	6.26	0.00	6.26	USD
		ARTEK CO	45.00	0.00	45.00	USD
		FEDERAL EXPRESS	32.10	0.00	32.10	USD
		ARTEK CO	38.00	0.00	38.00	USD
		WEST COAST SERVICES	25.00	0.00	25.00	USD
		ARTEK CO	55.00	0.00	55.00	USD
		ARTEK CO	55.00	0.00	55.00	USD
		Totals for Fed Ex/Delivery Service	332.36	0.00	332.36	
Miscellaneous						
		PRINCE INVESTIGATIONS INC	596.50	0.00	596.50	USD
		PRINCE INVESTIGATIONS INC	1,590.00	0.00	1,590.00	USD
		PRINCE INVESTIGATIONS INC	993.20	0.00	993.20	USD
		PRINCE INVESTIGATIONS INC	1,575.80	0.00	1,575.80	USD
		PRINCE INVESTIGATIONS INC	362.50	0.00	362.50	USD
		PRINCE INVESTIGATIONS INC	444.90	0.00	444.90	USD
		Totals for Miscellaneous	5,562.90	0.00	5,562.90	
Photocopy/Reproduction						
		LA BEST PHOTOCOPIES INC	5,018.68	0.00	5,018.68	USD
		Totals for Photocopy/Reproduction	5,018.68	0.00	5,018.68	
		Totals	1,040,673.70	0.00	1,040,673.70	

LIEBERT CASSIDY WHITMORE	4,752.00	0.00	4,752.00	USD
LIEBERT CASSIDY WHITMORE	3,483.00	0.00	3,483.00	USD
LIEBERT CASSIDY WHITMORE	10,479.30	0.00	10,479.30	USD
LIEBERT CASSIDY WHITMORE	5,535.00	0.00	5,535.00	USD
LIEBERT CASSIDY WHITMORE	8,208.00	0.00	8,208.00	USD
LIEBERT CASSIDY WHITMORE	7,029.90	0.00	7,029.90	USD
Totals for Liebert Cassidy Whitmore	130,117.41		130,117.41	USD
Totals	330,065.30		330,065.30	USD

Payment Listing

Police Department Investigation

From	Through	Vendor	Billed	Discount	Amount	Currency
Investigative Fees		JAMES GARDINER ASSOCIATES	337.50	0.00	337.50	USD
		JAMES GARDINER ASSOCIATES	4,518.27	0.00	4,518.27	USD
		JAMES GARDINER ASSOCIATES	18,389.36	0.00	18,389.36	USD
		JAMES GARDINER ASSOCIATES	7,305.26	0.00	7,305.26	USD
		JAMES GARDINER ASSOCIATES	13,560.85	0.00	13,560.85	USD
		JAMES GARDINER ASSOCIATES	22,993.15	0.00	22,993.15	USD
		JAMES GARDINER ASSOCIATES	17,381.62	0.00	17,381.62	USD
		JAMES GARDINER ASSOCIATES	12,400.02	0.00	12,400.02	USD
		JAMES GARDINER ASSOCIATES	10,000.00	0.00	10,000.00	USD
		JAMES GARDINER ASSOCIATES	8,706.66	0.00	8,706.66	USD
		JAMES GARDINER ASSOCIATES	18,830.45	0.00	18,830.45	USD
		JAMES GARDINER ASSOCIATES	21,106.51	0.00	21,106.51	USD
		JAMES GARDINER ASSOCIATES	7,806.39	0.00	7,806.39	USD
		JAMES GARDINER ASSOCIATES	7,138.75	0.00	7,138.75	USD
		JAMES GARDINER ASSOCIATES	1,687.50	0.00	1,687.50	USD
		JAMES GARDINER ASSOCIATES	3,388.10	0.00	3,388.10	USD
		Totals for Investigative Fees	175,550.39		175,550.39	
Litigation Consulting Fees		JAMES GARDINER ASSOCIATES	4,769.37	0.00	4,769.37	USD
		JAMES GARDINER ASSOCIATES	6,281.07	0.00	6,281.07	USD
		JAMES GARDINER ASSOCIATES	472.50	0.00	472.50	USD
		JAMES GARDINER ASSOCIATES	6,493.32	0.00	6,493.32	USD
		JAMES GARDINER ASSOCIATES	2,205.21	0.00	2,205.21	USD
		JAMES GARDINER ASSOCIATES	2,015.58	0.00	2,015.58	USD
		JAMES GARDINER ASSOCIATES	2,160.45	0.00	2,160.45	USD
		Totals for Litigation Consulting Fees	24,397.50		24,397.50	
Investigative Fees		LIEBERT CASSIDY WHITMORE	162.00	0.00	162.00	USD
		LIEBERT CASSIDY WHITMORE	1,045.55	0.00	1,045.55	USD
		LIEBERT CASSIDY WHITMORE	7,506.00	0.00	7,506.00	USD
		LIEBERT CASSIDY WHITMORE	25,833.32	0.00	25,833.32	USD
		LIEBERT CASSIDY WHITMORE	26,846.00	0.00	26,846.00	USD
		LIEBERT CASSIDY WHITMORE	5,292.00	0.00	5,292.00	USD
		LIEBERT CASSIDY WHITMORE	5,535.00	0.00	5,535.00	USD
		LIEBERT CASSIDY WHITMORE	6,053.94	0.00	6,053.94	USD
		LIEBERT CASSIDY WHITMORE	6,831.00	0.00	6,831.00	USD
		LIEBERT CASSIDY WHITMORE	5,525.40	0.00	5,525.40	USD

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is 9100 Wilshire Boulevard, Suite 345E, Beverly Hills, California 90212.

On the date hereinbelow specified, I served the foregoing document, described as set forth below on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes, at Beverly Hills, addressed as follows:

DATE OF SERVICE : June 11, 2012

DOCUMENT SERVED : **DECLARATION OF GREGORY W. SMITH IN
SUPPORT OF PLAINTIFFS' MOTION FOR
ATTORNEY'S FEES**

PARTIES SERVED : **SEE ATTACHED SERVICE LIST.**

XXX (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Beverly Hills, California. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

XXX (BY ELECTRONIC MAIL) I caused such document to be electronically mailed to **Christopher Brizzolara, Esq.** at the following e-mail address: samorai@adelphia.net.

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

— (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED at Beverly Hills, California on June 11, 2012.

Selma I. Francia

SERVICE LIST

WILLIAM TAYLOR v. CITY OF BURBANK
LOS ANGELES COUNTY SUPERIOR COURT CASE NO. BC 422 252

Christopher Brizzolara, Esq.
1528 16th Street
Santa Monica, California 90404
(By Electronic Mail Only)

Ronald F. Frank, Esq.
Robert J. Tyson, Esq.
Burke Williams & Sorenson LLP
444 South Flower Street, Suite 2400
Los Angeles, California 90071-2953

Amelia Ann Albano, City Attorney
Carol A. Humiston, Sr. Asst. City Atty.
Office of the City Attorney
City of Burbank
275 East Olive Avenue
Post Office Box 6459
Burbank, California 91510

Linda Miller Savitt, Esq.
Philip L. Reznik, Esq.
Ballard Rosenberg Golper & Savitt LLP
500 North Brand Boulevard, 20th Floor
Glendale, California 91203-9946